Supreme Court, U.S.
FILED

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(2)

No.

In The
Supreme Court of the United States

THOMAS G. VOLLMER, PEGGY R. POSPESHIL, MARRY KENNAH, Individually, and On behalf of all others Similarly situated, et at., Plaintiff,

Francis D. Palumbo,

Petitioner,

v.

Publishers Clearing House and
Campus Subscriptions, Incorporated

Respondent,

On Petition for Writ of Certiorari
To The Washington Supreme Court

Supplemental Appendix to
PETITION FOR WRIT OF CERTIORARI
Petitioner

Francis D. Palumbo, Pro Se
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5 pp

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(a) ORDER, United States Court of Appeals for The Second Circuit, *Vollmer v. Publishers Clearing House and Campus Subscriptions,* No. 01-3573 (January 25, 2002) ii-iii

(b) ORDER FOR RECONSIDERATION, United States Court of Appeals for the Second Circuit, *Vollmer v. Publishers Clearing House and Campus Subscriptions,* No. 01-3573 (June 10, 2002). iv

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

January 25, 2002

Before

Hon. Frank H. Easter Brook, Circuit Judge
Hon. Daniel A. Manion, Circuit Judge
Hon. Hana Diamond Rovner. Circuit Judge

THOMAS G. VOLLMER,] Appeal from the United
PEGGY R. POSPESHIL,] States District Court for
MARRY KENNAH,] For the Southern District
Individually, and on of Illinois.
Behalf of all others
Similarly situated, et al
Plaintiff, No. 99 C 434

No. 01-3573 v.

G. Patrick Murphy
Chief Judge.

PUBLISHERS CLEARING
HOUSE and CAMPUS
SUBSCRIPTIONS,
INCORPORATED,
Defendant,

APPEAL, OF:
Francis D. Palumbo,
Intervenor-Appellant,

ORDER

On consideration of appellant's "MEMORANDUM" filed on October 19, 2001, and the "RESPONSE TO COURT'S SHOW CAUSE ORDER CONCERNING JURISDICTION" filed by appellee on November 1, 2002, and review of the short record.

IT IS ORDERED that this appeal is DISMISSED for lack of jurisdiction.

Rule 4(a) of the Federal Rules of Appellate Procedure requires that a notice of appeal in a civil case be filed in the district court within 30 days of the entry of the judgment or order appealed. In this case the order denying Mr. Palumbo's motion to intervene was entered on December 27, 1999, and the Notice of appeal was filed on September 20, 2001, over 1-1/2 years late. Mr. Palumbo cannot circumvent his failure to appeal the September 1999 denial of his motion to intervene by asking the district court to "finalize" it over a year later. See B. H. by *Pierce v. Murphy*, 984 F.2d 196, 199 (7th Cir. 1993) (order denying motion to intervene subject o immediate appeal, a proposed intervenor cannot circumvent failure to appeal denial of first motion to intervene within the required time by filing a second, virtually identical, motion).

Francis D. Palumbo
P O Box 320123 Fairfield, Ct
06430 1-3573

Enclosed is a copy of a document issued by this court in the above captioned case. Since this will be the only copy your firm will receive, if applicable, please circulate this order to other members of your firm who may have an interest in this case.

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

June 10, 2002

Before
Hon. Frank H. Easterbrook, Circuit Judge
Hon. Daniel A Manion, Circuit Judge
Hon. Dana Diamond Rovner, Circuit Judge

THOMAS G. VOLLMER,
PEGGY R. POSPESHIL,
MARY KENNAH,
Individually, and on behalf
Of all others similarly
Situated, et al.,
Plaintiff,

v.

PUBLISHERS CLEARING
HOUSE and CAMPUS
SUBSCRIPTIONS,
INCORPORATED,
Defendants-Appellees,

APPEAL OF:
FRANCIS D. PALUMBO,
Intervenor-Appellant

Appeal from the United States District Court for the Southern District of Illinois.

No. 99 C 434

G. Patrick Murphy,
Judge.

ORDER

On consideration of the motion to reconsider, filed by appellant, IT IS ORDERED that motion is DENIED.